

REMARKS**▪ Statement with Respect to Scope of Amended and Non-Amended Claims**

Amendments to, cancellation of, and additions to, the claims are made in order to streamline prosecution of the case to embodiments that are presently anticipated to be of commercial significance, and are not made for a purpose of patentability. Any amendment, cancellation or addition made herein should not be construed in any manner as indicating Applicant's surrender of any subject matter of the application, or surrender of any equivalent to any element asserted in one or more claims. Applicant does not concede that the scope of the claims set forth below fail to extend as far as the original claims. Furthermore, any narrowing which may be evinced with respect to subject matter covered by the claims as a whole, or by one or more claims of the appended claims, when compared to claims previously in the application, should not be interpreted as indicating that Applicant has generally disclaimed the territory between the original claimed subject matter and the amended claimed subject matter. Applicant intends each term of the claims set forth below to be read with respect to the full-breadth of the language of the claims and not to be confined to a strict literal read of amended terms. Amended claims elements are to be construed to include substantial equivalents known to those of ordinary skill in the art. Applicant asserts that the amendments are made without prejudice and reserve all rights to prosecute any canceled claims, and claims preceding any amendment, and other disclosed (but not presently claimed) embodiments in the application, in future continuation applications, divisional applications, continuation-in-part applications, continuing prosecution applications, requests for continuing examination, re-examination applications and any other application claiming priority from or through the present application.

Status of claims:

Claims 6, 14, 16, 17, 22, 37-42, 44-49, 55, 57-58, 63, 64, 75 and 76 have been amended without prejudice. Claims 1-10, 13-18, 20-22, 36-49, 54-65, and 70-77 are presently submitted for reconsideration.

112 FIRST PARAGRAPH REJECTIONS***Examiner's Position:***

Claims 6-10, 41-49, 54-65, and 70-77 are rejected under 35 U. S. C. 112, first paragraph, as failing to comply with the written description requirement. The claim allegedly contain subject matter not described in the Specification to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Formula I (e.g., claim 6, lines 3, 6, 21, 28, 54, 57, and 68) has been amended to replace 'C₆- C₁₀ aryl' with 'aryl' which is inconsistent with the specification and is new matter because the phrase 'aryl' encompasses aryls that were not set forth in the originally filed disclosure.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, because in the opinion of the Examiner, the Specification does not reasonably enable for all degenerative neurological disorders. The Specification allegedly does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Applicant's Response:

Applicant respectfully disagrees. In the first instance, Applicant proposed this amendment of the term as a matter of symmetry since Applicant's other applications initially containing the same definitions for the instant aryl groups were rejected by the Office on the grounds that C₆-C₁₀ aryl is improper as there are no C₇, C₈, or C₉ aryl radicals. Hence Applicant amended the definition of this group accordingly. In addition, Hackh's Chemical Dictionary

describes aryl as an organic radical derived from an aromatic hydrocarbon by the removal of one atom, ie, phenyl from benzene. The Organic Chemistry textbook by Vollhardt (1987) describes that the generic term for substituted benzenes is arene. Substituted or substituent arene is referred to as an aryl group, abbreviated Ar. The parent aryl substituent is phenyl, C₆H₅. Applicant, therefore, respectfully submits that the seeming limitation on aryl is actually an inadvertent error which has been properly amended without introduction of new matter. Applicant requests that this rejection of the claims be withdrawn.

Secondly, Applicant traverses the rejection of claim 17. On the contrary, the presently amended claim is directed specifically to treating degenerative neurological disorders which are similar to Alzheimer's Disease, associated with accumulative beta-amyloid production comprising administering to a host in need of such treatment a therapeutically effective amount of an inhibitor of beta-amyloid production identified by the screening assay of Claim 1 or a pharmaceutically acceptable salt form thereof. Therefore, the subject is clearly focused on inhibitors identified by the inventive screening assay and diagnosis which is well supported throughout the instant disclosure. Applicant respectfully requests withdrawal of this rejection under 35 USC 112, first paragraph.

112 SECOND PARAGRAPH REJECTIONS

The Examiner's Position:

Claims 6, 14, 55, 57, 58, 64, 68, and 76 are rejected under 35 U. S. C. 112, second paragraph, as being indefinite.

Claim 6 is ambiguous as the variable 'R20' is not present in the structures or other variable definitions set forth in the claim.

In Claim 14, the phrase "or any fragment or derivative thereof" is allegedly unclear as to what portion of the parent structure remains.

Claims 55, 57, and 58 are allegedly ambiguous because of the phrase 'fragment thereof' is unclear as to what portion of the parent structure the fragment pertains.

Claims 64 and 76 are allegedly ambiguous because referring to other compounds encompassed by or within the scope of various documents is improper. Furthermore, the Examiner alleges that the documents have been improperly incorporated.

Applicant's Response:

Applicant has further defined the subject matter of the rejected claims to remove the alleged ambiguities. Accordingly radical R20 has been deleted as irrelevant in claim 6. The fragments of the amyloid peptide producing enzymes of claims 14, 55, 57, and 58 have been specifically defined as inhibitor-binding.

Claims 64 and 76 have been amended by naming the group of compounds regarded as candidates for inhibiting the amyloid protein producing enzymes described on pages 51 and 52 of the instant Specification. Applicant respectfully asserts that the cross-referenced compound disclosures are originally and properly incorporated in the Specification by reference in their entirety (Page 52, lines 4-6).

Concerning the several provisional double patenting rejections alleged by the Examiner, Applicant prefers to hold submission of the respective terminal disclaimers in abeyance, until the instant claims as presently amended have been found allowable, which favorable action is herewith respectfully solicited.

The missing references 66, 68 and 72 were supposed to have been submitted with the other articles disclosed to the Office but apparently and inadvertently were not. Upon further review of this material, Applicant believes it to be merely technical background and not suggestive of the claimed invention. However, the copies of References 66 and 72 are presently available and have been enclosed herewith as per Examiner's kind suggestion. A photocopy of Reference 68 would be obtained again and transmitted at the Examiner's request.

CONCLUSION

In view of the amendment of the claims and the remarks set forth, Applicant respectfully believes the application to be in allowable condition. Early favorable action pursuant to this response to this action is solicited.

Respectfully submitted,

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